

April 18, 2018

Ms. Roxanne Rothschild  
Deputy Executive Secretary  
National Labor Relations Board  
1015 Half Street SE  
Washington, D.C. 20570

*via: [www.nlr.gov](http://www.nlr.gov)*

***RE: Representation-Case Procedures RIN 3142-AA12***

Dear Ms. Rothschild:

Thank you for the opportunity to submit these comments on behalf of the National Tooling and Machining Association and Precision Metalforming Association concerning the National Labor Relations Board's request for information regarding the Board's Representation-Case Procedures published in the Federal Register on December 14, 2017. The 2014 amendments to the election rule (Amended Rule) do not benefit workers or employers. Instead, the Amended Rule benefits national unions that are seeking to raise their enrollment numbers, often at the expense of the company, community, and employees. Local solutions are required for local problems, especially at small and medium-sized manufacturing employers. NLRB should rescind the Amended Rule.

Our members are small and medium-sized manufacturers averaging roughly 50 employees and are typically classified under the North American Industrial Classification System (NAICS) as 332 (Fabricated Metal Product Manufacturing) and 333 (Machinery Manufacturing). These classifications combined include 80,000 manufacturing establishments with 2.6 million employees.

The National Tooling and Machining Association's 1,400 member companies design and manufacture special tools, dies, jigs, fixtures, gages, special machines and precision-machined parts. Some firms specialize in experimental research and development work as well as rapid prototyping. Many NTMA members are privately owned small businesses, yet the industry generates sales in excess of \$40 billion a year.

The Precision Metalforming Association is the full-service trade association representing the \$137-billion metalforming industry of North America—the industry that creates precision metal products using stamping, fabricating, spinning, slide forming and roll forming technologies, and other value-added processes. Its nearly 900 member companies also include suppliers of equipment, materials, and services to the industry.

April 18, 2018

Unions often work for months behind the scenes before petitioning the Board for a representation hearing. Thanks to the Amended Rules, employers then have as little as seven days from the date of the petition to file a Statement of Position. This is an unreasonably short amount of time for employers to thoroughly and accurately find information necessary to their position, especially when considering most employers need to find counsel to represent them at the hearing as well. Anything missing in the Statement of Position is considered waived by the employer. This is a severe violation of an employer's due process rights.

Before the Amended Rule took effect, the time from when a union election was called, and a vote was held averaged between 30-60 days, providing all parties adequate time to discuss whether it was truly beneficial to join a union and how union representation might affect both employee and employer. This interval was supported both by Congress and the courts. However, the Board decided that this period of time was too long when enacting the Amended Rule. Now that the Amended Rule has been implemented, the average time between petition to election is twenty-one days. Shortening this amount of time neither helps employer nor employee, the two parties vested in reaching an equitable agreement.

The Amended Rule compels employers to provide unions with the personal email and phone numbers of eligible employees forty-eight hours prior to holding a vote. Employees' deserve the right to decide whether their personal information is disclosed. The rule stifles workers' rights by not allowing them the time to fully understand the potential benefits and liabilities of organizing. Requiring employers to disclose so much of an employee's private information does not ensure fairer union elections, it results in unions representatives ambushing workers at all hours at their private homes.

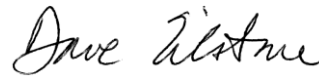
Since its inception, the Amended Rule has done nothing to simplify or facilitate the union election process. All it has done is speed the process up, to the detriment of employers and their employees and to the benefit of union organizations. Speeding up the union election process does not provide enough time for employers and employees to negotiate an equitable agreement that is favorable to both parties. Foreseeing numerous issues with the Amended Rule, One Voice opposed it in 2011 and 2014. Now that these issues have come to light over the past several years, One Voice strongly supports rescinding the Amended Rule.

Thank you for your consideration of these comments and your focus on strengthening manufacturing in America and creating jobs.

Sincerely,



Roy Hardy  
PMA President



Dave Tilstone  
NTMA President